



May 15, 2024

**VIA ECF ONLY**

Hon. Mae A. D'Agostino  
James T. Foley U.S. Courthouse  
445 Broadway, 4<sup>th</sup> Floor  
Albany, New York 12207

**Re: Iron Workers Local 12 Pension Fund et al. v. J.D. Miscellaneous Metals, LLC  
et al - Civil Action No. 1:23-cv-1289 (MAD/DJS)**

Dear Judge D'Agostino:

As you know, we represent the defendants in the above-referenced matter, J.D. Miscellaneous Metals, LLC, George Peters, and David Jackson (collectively, "Defendants"). We write with consent from counsel for the Plaintiffs to request a briefing schedule for the anticipated motions on behalf of the respective parties.

By way of background, on April 15, 2024, the Court granted the parties' mutual request to extend their deadline to provide a status report regarding settlement discussions through May 15, 2024. *See* ECF No. 19. Since then, the parties continued exchanging settlement offers and documents in furtherance of their efforts to resolve this matter. Despite the foregoing, the parties were unable to reach an agreement on settlement terms. As a result, we request, with consent of Plaintiff's counsel, that Defendants have thirty (30) days to file a motion to vacate the default entered on January 16, 2024; that Plaintiffs have thirty (30) days from then to file opposition papers and/or cross-motions, if any; and that Plaintiffs have fifteen (15) days from then to file reply papers and/or opposition papers, if any. Should you agree to this briefing schedule, please so-order this letter request.

Thank you for your time and attention to this matter. Should you have any questions, please contact our office at (518) 400-0955.

Respectfully submitted,

**THE WAGONER FIRM PLLC**

Matthew W. Rimkunas, Esq.



THE WAGONER FIRM PLLC

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SO ORDERED:

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Hon. Mae A. D'Agostino  
United States District Judge

CC: Kennth L. Wagner, Esq. (*via* ECF only)  
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